

DEC 22 2011

Practitioners Docket No. CM-NMM-0139 PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Merchant et al.
 Application No.: 09/302,195 Group No. 1654
 Filed: April 29, 1999 Examiner: Teller, Roy R.
 For: Surfactants That Mimic The Glycocalyx

: Patent No.: 6,759,388 Issued: July 06, 2004

Box M Fee
 Assistant Commissioner for Patents
 Washington, D.C. 20231

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NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY
 (37 C.F.R. ' 1.28(c))

NOTE: 37 C.F.R. ' 1.28(c): A(c) How errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by ' 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section.©

NOTE: 37 C.F.R. ' 1.28(c): A Separate submission required for each application or patent. Any paper submitted under this paragraph must be limited to the deficiency payment (all) fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See ' 1.4(b).©

CERTIFICATION UNDER 37 C.F.R. ' 1.10*

I hereby certify that, on the date shown below, this correspondence is being:
 facsimile transmitted to the Patent and Trademark Office, 571-273-8300.

Signature

Denise A. Kraft

(type or print name of person certifying)

Denise A. Kraft

Erroneous Filing of Small Entity Statement

Date: 12/22/2011

1. On January 23, 2008 a small entity assertion was erroneously filed in this

application

:X patent since the assignee became a large entity after the issue date and prior to the date that the first maintenance fee was paid on January 23, 2008.

2. This assertion of small entity status in this application and the payment of fee(s) as a small entity was/were made in good faith.

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3. It has now been discovered that such status as a small entity was established in error.

Itemization of the Fee(s) Erroneously Paid as Small Entity

4. (complete the following applicable item(s))

<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>CURRENT FEE</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED*</u>
Filing fee paid on _____	\$ _____	\$ _____	\$ _____
Fee for excess claims (over 20) paid on _____.	\$ _____	\$ _____	\$ _____
Fee for multiple claims paid on _____.	\$ _____	\$ _____	\$ _____
Extension of time fee paid on _____	\$ _____	\$ _____	\$ _____
The issue fee paid on _____	\$ _____	\$ _____	\$ _____
: <u>First</u> Maintenance fee (First, second or third) Paid on <u>January 23, 2008</u> .	\$ <u>1130</u>	\$ <u>465</u>	\$ <u>665</u>

Other:

WARNING: AThe deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. .@ 37 C.F.R. ' 1.28(c)(2)(i).

NOTE: 37 C.F.R. ' 1.28(b)(2): AThe date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section.@

Total deficiency owed \$ 665

NOTE: 37 C.F.R. ' 1.28(d): APayment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under ' 1.27(g)(2) as a notification of a loss of entitlement to small entity status.@

Payment of Deficiency

5. The total deficiency owed is paid as follows:

Attached is a check money order in the amount of \$

: Authorization is hereby made to charge the amount of \$

: to Deposit Account No.

to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

SIGNATURE OF PRACTITIONER

Steven W. Winn
(type or print name of practitioner)

Reg. No.: 66,673

Tel. No.: 716-759-5460

Customer No.: 33751

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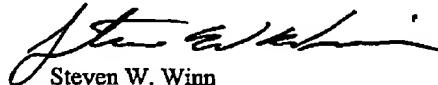
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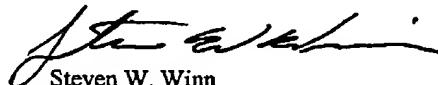
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